

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOSE PEREZ,
Plaintiff

v.

UNITED STATES OF AMERICA,
Defendant

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No. 1:12-cv-02424

(Judge Kane)

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On December 5, 2012, Plaintiff Jose Perez filed a complaint against the United States of America arising from the consumption of food contaminated with salmonella that was served at the United States Penitentiary, Canaan. (Doc. No. 1.) On February 3, 2015, Magistrate Judge Carlson conditionally granted Plaintiff's request for appointment of counsel, advising Plaintiff that it might take some time to locate pro bono counsel for him and, moreover, that if the Court could not locate counsel he would have to proceed pro se. (Doc. No. 43.) Thereafter, on February 6, 2015, after the parties did not consent to magistrate judge jurisdiction, Magistrate Judge Carlson filed a Report and Recommendation in which he recommends that, as discovery has now closed, the case be listed for trial at the convenience of the Court. (Doc. No. 44.)

With the search for counsel ongoing, on July 17, 2015, Plaintiff filed with the Court a "motion for a status report" asking that the Court inform him as to whether counsel is being appointed. (Doc. No. 48.) Plaintiff is advised that the Court has been informed that the search for pro bono counsel is ongoing, and it is hoped that Spanish-speaking counsel will become available to represent Plaintiff sometime in Fall 2015. However, no counsel has yet been located or appointed.

ACCORDINGLY, this 27th day of July 2015, **IT IS HEREBY ORDERED THAT:**

1. Plaintiff's motion for a status report (Doc. No. 48) is **GRANTED**, and Plaintiff is advised that the search for counsel is ongoing; and,
2. Magistrate Judge Carlson's Report and Recommendation (Doc. No. 44) is **ADOPTED** pending the continued search for pro bono counsel. Once counsel has been located and appointed, the Court will promptly schedule a conference call in order to set a trial date. Plaintiff is again advised that, should the effort to find Plaintiff pro bono counsel be unsuccessful, he will have to proceed in this case pro se;
3. If Plaintiff has not received any update from the Court within 90 days of the date of this order, he may request further status information; and,
4. The Clerk of Court is directed to serve a copy of this order upon the pro bono coordinator for the Middle District of Pennsylvania Chapter of the Federal Bar Association, who is directed to update the Court if and when counsel is located for Plaintiff.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania